

Notice of Allowability

Application No.

09/620,533

Examiner

Russell Frejd

Applicant(s)

XU ET AL.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment received 26-May-2004.
2. ☒ The allowed claim(s) is/are 2-16 and 18-34.
3. ☒ The drawings filed on 26 May 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Russell Frejd
RUSSELL FREJD
PRIMARY EXAMINER

In re Application of: XU et al.

Allowance of Application # 09/620,533

1. The following communication is in response to applicant's Amendment, received 26-May-2004.

Examiner's Amendment

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee. The Examiner respectfully notes that the information for the following Examiner's Amendment was derived from the original claim set, and is considered by the Examiner as the appropriate correction for the minor typographical errors herewith.

3. In the Claims:

Claim 6	line 1	Change "0" to -5--.
Claim 7	line 1	Change "0" to -5--.
Claim 9	line 1	Change "0" to -8--.
Claim 11	line 1	Change "0" to -10--.
Claim 14	line 1	Change "0" to -13--.
Claim 15	line 1	Change "0" to -13--.
Claim 16	line 1	Change "0" to -13--.
Claim 23	line 1	Change "0" to -22--.

In re Application of: XU et al.

Claim 24 line 1 Change "0" to -22--.

Claim 26 line 1 Change "0" to -26--.

Claim 28 line 1 Change "0" to -27--.

Claim 31 line 1 Change "0" to -30--.

Claim 32 line 1 Change "0" to -30--.

Claim 33 line 1 Change "0" to -30--.

Claim 34 line 1 Change "0" to -30--.

Reasons for Allowance

4. The following is an Examiner's Statement of Reasons for the indication of allowable subject matter. The instant application is directed to a non-obvious improvement over the prior art of record, namely the article by Groller et al., entitled *Modeling Textiles as Three Dimensional Textures*. The improvement comprises a method for modeling knitwear, wherein a macrostructure for a three-dimensional object, based on at least a stitch pattern, is generated; irregularities in stitch positions of the macrostructure are introduced and a yarn microstructure is generated; whereby the yarn microstructure is applied to the macrostructure to yield a knitwear model. This patentable distinction is included in each of the independent claims, nos. 8, 27 and 30. The art of record, either individually or in combination, fails to teach, suggest, or render obvious the useful, concrete and tangible < method for modeling knitwear > having the corresponding structure which is disclosed in the specification and equivalents thereof (at least at <page 4, line 15 through page 22, line 15, and Figures 1-18>). In view of the foregoing, the claims of the present application are found to be patentable over the prior art.

In re Application of: XU et al.

Response Guidelines

5. Any comments considered necessary by applicant **MUST** be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance".

6. Any response to the Examiner in regard to this allowance should be

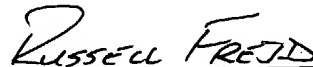
directed to: Russell Frejd, telephone number (703) 305-4839, Monday-Friday from 0530 to 1400 ET, **or** the examiner's supervisor, Jean Homere, telephone number (703) 308-6647. Any inquiry of a general nature should be directed to the Tech Center 2100 receptionist, telephone number (703) 305-3900. The TC 2100 Customer Service telephone number is (703) 306-5631.

mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9306

Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA., 22202).

Date: 2-September-2004



**RUSSELL FREJD
PRIMARY EXAMINER**